

REMARKS

Claims 1-2 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

CLAIM OBJECTIONS

Claim 2 is objected to because two maximum values of Mg are disclosed. Claim 2 is amended to correct this typographical error and now recites a Mg content of 0.1 to 0.39 wt%. Applicants respectfully assert that the objection to claim 2 is now moot.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 09-176769 (JP '769). This rejection is respectfully traversed.

The Examiner alleges that JP '769 teaches an alloy composition that is so close to the claimed compositions, that one skilled in the art would have expected the compositions taught by JP '769 to have the same properties as the claimed compositions. Applicants respectfully assert that the claimed invention provides unexpected results as compared to the compositions taught by JP '769.

Submitted herewith are affidavits under 37 CFR 1.132 traversing the rejection under 35 U.S.C. § 103(a) in view of JP '769. In the affidavits, the unexpected results regarding the claimed critical upsetting ratio are detailed with respect to comparative alloys that were selected from the teachings of JP '769. That is, critical upsetting ratios were calculated for the comparative alloys taught by JP '769 and these alloys do not

achieve the claimed critical upsetting ratio of greater than or equal to 43%. Because this is an unexpected result, Applicants respectfully assert that despite the alleged teachings of JP '769 the claimed subject matter is non-obvious.

Claims 1-2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bekki (U.S. Pat. No. 6,716,390). This rejection is respectfully traversed.

Claims 1 and 2 are amended to recite 0.01 to 0.20 wt% of Cu. In contrast, Bekki teaches a Cu content that is outside of the claimed range. Because Bekki teaches an alloy that is different from the claimed alloy, Applicants respectfully assert that the claimed invention would not have been obvious in view of Bekki.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the

Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 30, 2007

By:


Bryant E. Wade, Reg. No. 40,344

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

BEW/JAH